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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

December 10, 2007

The Honorable Michael B. Mukasey
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20510

Dear Attorney General Mukasey:

We write on behalf of the Senate Judiciary Committee to request important information about the reported destruction by the Central Intelligence Agency of videotapes showing interrogations of detainees and about the Department of Justice review of this matter. We were alarmed to learn of the existence of these videotapes only after they were destroyed, and to learn of the destruction of the tapes so long after the fact.

This weekend, the Department announced that the National Security Division will conduct a preliminary inquiry in conjunction with the CIA's Office of Inspector General. Notwithstanding this inquiry, we request a complete account of the Justice Department's own knowledge of and involvement with these matters. When and how did Department officials or attorneys first become aware of the existence of videotapes of detainee interrogations? Did Department officials or attorneys ever view the tapes? Did the Department evaluate the legality of the interrogation techniques used in the interrogations that were videotaped? When and how did Department officials or attorneys become aware of any plan to destroy videotapes of interrogations of detainees? Were Department officials or attorneys asked about the advisability or legality of destroying the tapes? Did Department officials or attorneys communicate views on the advisability or legality of destroying the tapes? When and how did Department officials or attorneys become aware that videotapes were destroyed? What communication has the Department had with the White House about the existence, plan to destroy, and destruction of the videotapes? With whom, how, and when were there any communications between the Department and the White House about these matters?

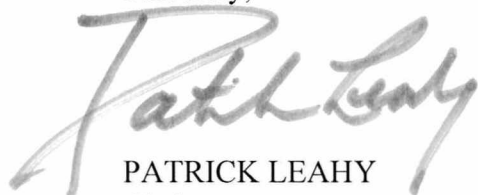
We would also like to know whether the Department or others in the Administration advised Members of Congress of the existence of these tapes or of their destruction. We learned yesterday through a *Washington Post* report that a small group of Congressional leaders was advised of the CIA's secret detention and interrogation program as early as September 2002. Was this group or a similar group informed of the videotaping of interrogations or of the destruction of the videotapes? If so, when did this occur and what was the rationale for not advising the Chairmen and Ranking Members of the Senate and House Judiciary Committees?

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In addition, please describe the review that the National Security Division now intends to conduct. Who will conduct the review? How do they intend to proceed? What is the scope of the review? What specific facts and issues are involved? Senator Biden has suggested that a special counsel be appointed to conduct the investigation. How are you determining whether to proceed by way of a special counsel?

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Leahy", written in a cursive style.

PATRICK LEAHY
Chairman

A handwritten signature in dark ink, appearing to read "Arlen Specter", written in a cursive style.

ARLEN SPECTER
Ranking Member